
UTAH LABOR COMMISSION

YASLAM M. ISSA,

Petitioner,

vs.

C. R. ENGLAND,

Respondent.

**ORDER AFFIRMING
ALJ'S DECISION**

Case No. 8-03-1041

Yaslam M. Issa asks the Utah Labor Commission to review Administrative Law Judge Lima's summary determination that C. R. England did not violate the Utah Antidiscrimination Act (Title 34A, Chapter 5, Utah Code Annotated) by engaging in employment discrimination against Mr. Issa.

The Labor Commission exercises jurisdiction in this matter pursuant to Utah Code Annotated §63-46b-12 and §34A-5-107(11).

BACKGROUND AND ISSUE PRESENTED

Mr. Issa filed a complaint with the Utah Antidiscrimination and Labor Division ("UALD") alleging that C.R. England had discriminated against him because of his national origin, race and color. UALD investigated the matter but found no reasonable cause to believe C.R. England had engaged in the alleged discriminatory conduct.

Mr. Issa challenged UALD's determination by requesting a formal evidentiary hearing before an administrative law judge. C.R. England then filed a motion for summary dismissal of Mr. Issa's complaint. Judge Lima granted C.R. England's motion on the grounds the undisputed facts prevented Mr. Issa from establishing a *prima facie* claim of employment discrimination.

Mr. Issa asks the Commission to review Judge Lima's decision. Specifically, Mr. Issa argues he was subjected to unlawful discrimination and that C.R. England has submitted false information.

DISCUSSION

Mr. Issa's discrimination complaint alleges C.R. England refused to admit him into its driver training program and forced him to end his employment with the company because of his race, color and national origin. C.R. England has rebutted Mr. Issa's allegations with affidavits and documentation that establish Mr. Issa was never employed by the company and was not admitted to the training program because he did not submit a complete and accurate application. In response, Mr. Issa has submitted an untimely statement that fails to rebut C.R. England's affidavits and documentation.

In light of Mr. Issa's failure to submit corroborative evidence that would support his allegations or rebut C.R. England's version of events, the Commission must accept C.R. England's uncontroverted account as true. The Commission therefore concurs with Judge Lima's determination that the facts presented by C.R. England establish as a matter of law that C. R. England did not engage in unlawful employment discrimination against Mr. Issa.

ORDER

The Commission affirms Judge Lima's summary dismissal of Mr. Issa's employment discrimination complaint against C.R. England. It is so ordered.

Dated this 18th day of January, 2007.

Sherrie Hayashi
Utah Labor Commissioner